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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,178	12/20/2004	Andras Racz	7862-84196	5258
42798 7590 05/01/2007 FITCH, EVEN, TABIN & FLANNERY P. O. BOX 18415 WASHINGTON, DC 20036			EXAMINER WEBB, TIFFANY LOUISE	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/519,178

**Applicant(s)**

RACZ ET AL.

**Examiner**

Tiffany L. Webb

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/20/04</u> .  | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because in Figure 1 it is hard to tell where certain reference characters are referencing because the lead lines are very cluttered and there are many extraneous "invisible" lines. Reference characters 19, 21, 24, 25, 26, 22, 27, 29, 28, and 30 are especially are to located where the lead lines are pointing.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1" and "2" have both been used to designate "the transmission."
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the centerline of the body, "the vertical," and the cross sectional vertical plane must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: in paragraph [0010], "Figure 1 shows the transmission and its suspension as viewed from the front (that is a vis-à-vis the engine)" should be changed to clarify "vis-à-vis" because the use of Latin phrases should be avoided. In paragraph [0015], "vis-à-vis" is used twice to describe locations of different elements. The examiner suggests clarifying.

Appropriate correction is required.

### ***Claim Objections***

5. Claim 1, line 11, "a suspension bar" has already been properly anteceded. The examiner suggests changing.

6. Claims 2 and 3 are objected to because of the following informalities: in both claims 2 and 3, "approx." is used to shorthand "approximately." The examiners suggests changing both to read "approximately." Appropriate correction is required.

7. Claims 1-4 are objected to because of the following informalities: all reference characters included in the claims are surrounded by forward slash marks. The examiner suggests putting each reference character in parentheses or taking out the reference characters from the claims all together. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 1 is unclear. A "transmission suspension structure" is unclear language. The examiner suggests changing to "suspension structure for a transmission."

Claim 1 recites the limitation "the drive engine" in lines 1-2. Claim 1 also recites "the gearbox" in line 2, "the center of gravity" in line 3, "the lower ends" in lines 5-6, "the two suspension bars" in line 6, "the upper ends" in line 6, and "the body" in line 7. There is insufficient antecedent basis for these limitations in the claim.

Claim 1 is also unclear in lines 3-4. In lines 304, "in respect of the geometric axis of rotation of its main axis" is unclear to what "its" is referring to also to the location of the geometric axis, the limitation also lacks antecedent basis.

Claim 1, line 5, "a further two suspension brackets" is unclear. The examiner is uncertain because of the language that this means there are a second set of suspension brackets or the language is incorrect and the description is for the suspension brackets previously mentioned.

Also, in claim 1, line 7, "the bus" is unclear because in line one it says "mainly buses," but broadly claims it to be more than just busses. The examiner suggests changing to "the rear engine vehicle."

Claim 1, line 8, "its" is unclear.

Claim 2, lines 3-4, are unclear to what is being claim as "projected to the centerline of the body- include an angle of approx. 15 degrees with the vertical." First, "the centerline" lacks anteceded basis. Second, the language is unclear to which direction and what vertical the suspension bars are to be projected towards.

Claim 3, lines 3-4, are unclear to what is being claim as "projected to the cross sectional vertical plane of the body- include an angle of approx. 30 degrees with the vertical." First, "the cross sectional vertical plane" lacks anteceded basis. Second, the language is unclear to which direction and what vertical the suspension bars are to be projected towards.

Claim 4 recites the limitation "the flexible jointing member" in line 3. The examiner is unsure if this is a new element or whether it is meant to be the "flexible adjoining member" mentioned in claim 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaskowiak (US 3,387,682). Regarding claim 1, Jaskowiak discloses a suspension structure for a vehicle, where the drive engine and the gearbox are built uniaxially to form a rigid transmission unit (2, see Figure 1), which has suspension brackets in front of and behind the center of gravity of the unit (see Figure 1), in respect of the geometric axis of rotation of its main axis, the suspension bracket(s) behind the center of gravity is (are) adjoined to the gearbox (via 5), a further two suspension brackets are adjoined to the lower ends of the two suspension bars holding the transmission, and at the upper ends of the said suspension bars there are flexible adjoining members for linkage to the body of the bus in the vicinity of its right hand side and left hand side walls (8), characterized in that on each side of the drive engine (2) there is a flexible suspension bracket (5) and connected to them there is a suspension bar (6) for each, which are arranged inclined towards the center of gravity of the transmission unit (see Figure 1) and also towards the sidewalls of the body. Regarding claims 2-3, Jaskowiak discloses the suspension bars projected at angles greater than 15 degrees (see Figure 1). Regarding claim 4, Jaskowiak discloses the upper and/or lower end (at 8) of the suspension bar (6), the flexible jointing member is designed as a rubber joint (8), which has a through pin (see Figure 1), normal to the axis of the suspension bar (6) with a fixing member on both sides of the rubber joint (8).

### ***Conclusion***

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are all engine suspensions: Trott (US 1,976,701), Schjolin (US 2,076,046), and Colovas et al. (US 3,768,829).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tiffany L Webb  
Examiner  
Art Unit 3616

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4/27/07